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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,709	11/07/2000	Rohit Patnaik	99,868-A	9811

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EXAMINER

AHMED, SAMIR ANWAR

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,709

Applicant(s)

PATNAIK, ROHIT

Examiner

Samir A. Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 8-9, 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. The amendment filed 6/14/04 have been entered and made of record.
2. Applicant's arguments filed 6/14/04 have been fully considered but they are not persuasive with regard to claim 1, for the following reasons:
3. Applicant alleges, "specifically, Kang et al. does not disclose the step of "defining a vertical region of interest [,]" (page 2, line 15-page 3, line 6). The Examiner disagrees. Firstly, there is no definition in the claim that defines "a vertical slice image" different from the synthesis height projection image disclosed in Kang. Secondly, the synthesis height projection image at height h (vertical slice) is synthesized from the cross sectional image above and below the focal plane (col. 8, lines 8-11, Fig. 4, s71) as defined by dependent claim 3. Thirdly, a vertical region of interest is defined at a desired height plane spaced apart from the focal plane of the object by h by calculating (defining) the shifted vertical distances (ls) above and below the focal plane (col. 7, line 6-col. 8, line 5), also in Fig. 13, a vertical region of interest is defined at desired vertical planes at $Z = -0.4$, $Z = 0.2$ and at the center of the solder ball at $Z = 0$ which is to be inspected for defects (vertical region of interest). Fourthly, the height image is synthesized from a set of height projection images at a desired height Z to obtain the image for the solder joints (data falling within the vertical region of interest), the set of images are acquired from different directions at that height (col. 8, line 64-col. 9, line 21, Fig 13 a, b, c). As shown in Fig. 12 a set of height projection images is obtained for the solder joints at a desired plane $Z = -.03$ (vertical region of interest). The set of height projection images is synthesized based on the images of the solder joints at that height

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(data falling within the vertical region of interest) to result in a synthesized height image (a vertical slice image) shown in Fig. 13 a, b, c.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 7 and 10 rejected under 35 U.S.C. 102(e) as being anticipated by Kang et al. (U.S. Patent 5,978,440). The grounds for rejections stated in paragraph 2 of the Office Action mailed on 3/16/04 paper number 6, are incorporated by reference herein.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-6, 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kang et al. (U.S. Patent 5,978,440) as applied to claim 1 above, and further in view of Rooks (U.S. Patent 5,719,952). The grounds for rejections stated in paragraph 4 of

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the Office Action mailed on 3/16/04 paper number 6, are incorporated by reference herein.

Allowable Subject Matter

8. Claims 8-9, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The grounds for objections stated in paragraph 5 of the Office Action mailed on 3/16/04 paper number 6, are incorporated by reference herein.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

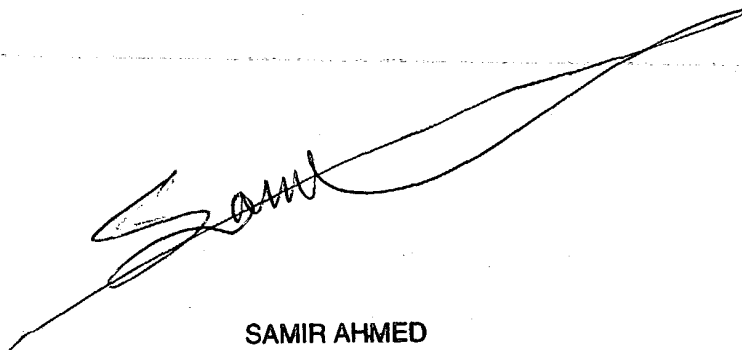
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir A. Ahmed whose telephone number is 703-305-9870. The examiner can normally be reached on Mon-Fri 8:30am-6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SA

A handwritten signature in black ink, appearing to read 'Samir', is written over a horizontal line. The signature is stylized with a large initial 'S' and a long, sweeping underline.

**SAMIR AHMED
PRIMARY EXAMINER**